

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 533 - SB 1109

March 11, 2013

SUMMARY OF BILL: Authorizes a constable to execute a writ of possession in an action of eviction. Requires a sheriff or constable executing a writ of possession in a forcible entry and detainer action to provide 24-hour advance notice, before removal of a tenant's personal property, by posting such notice on the door of the premises. Directs the plaintiff, prior to removal of any personal property, to compile an inventory and description of the tenant's personal property, to be signed by the plaintiff, the sheriff or constable, and, if present, the defendant. Requires the removal of property to occur between the hours of 8:00 a.m. and 5:00 p.m.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$100,000

Increase Local Expenditures - \$100,000*

Assumptions:

- According to the Tennessee Housing Development Agency (THDA), it is estimated there will be approximately 100 evictions per year from THDA-administered properties with an estimated increase in expenditures of \$1,000 per eviction for notice requirements, recordkeeping, and providing a detailed inventory and description of all property within the housing unit. Therefore, a recurring increase in state expenditures of \$100,000 (100 evictions x \$1,000 per eviction).
- For other property, the provisions of the bill require local law enforcement to verify the inventory and description of the defendant's person property, extending the time the officer would have to be on the premises.
- The fiscal impact of this bill to local government is dependent upon the number of properties that inventories of possessions will be required for, the extent of possessions within any specific property, and the extent of additional time required for sheriffs or constables. Given these unknown factors, determining a precise local government impact is difficult. However, the recurring increase in local expenditures is reasonably estimated to exceed \$100,000 per year.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/jrh